



AF / JAW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3480**
Mitsuru IWASAKI et al. : Attorney Docket No. 2003_1505A
Serial No. 10/694,088 : Group Art Unit 3618
Filed October 28, 2003 : Examiner Vaughn Coolman
AUTOMOTIVE HEAT : **Mail Stop: Appeal Brief - Patents**
EXCHANGING SYSTEM

PETITION TO RESET PERIOD FOR RESPONSE
DUE TO LATE RECEIPT OF A PTO ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Panel Decision from Pre-Appeal Brief Review indicating that the appeal filed in connection with the above-referenced U.S. patent application on December 26, 2006 is to proceed to the Board of Patent Appeals and Interferences was recently received from the USPTO (see copy of the Decision along with the Cover Sheet attached). Although the Cover Sheet indicates that the Decision was mailed on March 19, 2007, the Decision was not received by the undersigned until April 23, 2007 (see stamped receipt date on Cover Sheet of the Decision). As indicated in the decision, the period for responding to the Decision by filing an Appeal Brief expires one month from the mailing date of the Decision (i.e., April 19, 2007), although this period for response is extendable. However, because the Decision was not received by the undersigned until April 23, 2007, the *entire* initial period for response to the Decision has already expired.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

In view of the above, the USPTO is respectfully requested to reset the period for responding to the panel Decision so that period runs from the date of receipt of the Office Action by the undersigned (April 23, 2007). Specifically, the USPTO is respectfully requested to reset the period for reply so that the initial period expires May 23, 2007.

Respectfully submitted,

Mitsuru IWASAKI et al.

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April 24, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,088

10/28/2003

Mitsuru Iwasaki

2003-1505A

3480

513 7590 03/19/2007
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2033 K STREET N. W.
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WASHINGTON, DC 20006-1021

EXAMINER

COOLMAN, VAUGHN

ART UNIT

PAPER NUMBER

3618

MAIL DATE

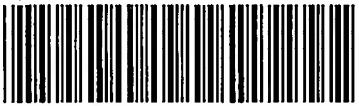

DELIVERY MODE

03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
APR 23 2007
WENDEROTH, LIND & PONACK

Application Number 	Application/Control No. 10/694,088 Travis Coolman	Applicant(s)/Patent under Reexamination IWASAKI ET AL. Art Unit 3618	
Document Code - AP.PRE.DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 12/26/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1, 4, 17, 18.

Claim(s) withdrawn from consideration: 2, 3, 5-16.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Meredith C. Petravick

(3) Christopher Ellis

(2) Travis Coolman

(4) _____